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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/240,062	01/29/1999	THOMAS GRAF	2565/45	6866

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EXAMINER

CHOI, STEPHEN

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/240,062

Applicant(s)

GRAF ET AL.

Examiner

Stephen Choi

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Upon careful reconsideration of claims, it has come to the examiner's attention that the limitations in claim 5, noted as allowable in the previous office action, in fact read on the reference to Koehler. The indicated allowability of claim 5 is being withdrawn and the following rejection applies. Any inconvenience caused by this late notice is regretted.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Koehler (US 1,965,464).

Koehler discloses all the recited steps of the invention including:

- a) transporting a fiber bundle strand using at least one feed element (52, 53);
- b) cutting the fiber bundle strand into unbound partial bundles, the unbound partial bundles having a length (74, 75);
- c) releasing the unbound partial bundles from the at least one feed element (page 2, lines 72-81);
- d) gripping the unbound partial bundles using at least one gripping element (65, 66);

- e) releasing the unbound partial bundles from the at least one gripping element (page 2, lines 82-92);
- f) placing the unbound partial bundles in a first collection trough (26) of a collection device (25);
- g) repeating steps a) to f) for the required number of unbound partial bundles (page 2, lines 36-39).

It is noted that claim 1 does not preclude a step of bounding partial bundles. It merely requires steps a) to f) being repeated to place the required number of unbound partial bundles in the first collection trough. Each element 26 is construed as being “a first collection trough” of the collection device (25).

With respect to claim 5, see page 2, lines 36-39 for a step of “rotating the collection trough device after the first collection trough is filled and placing the unbound partial bundles in a further collection trough”. Element 26 adjacent to the first collection trough (26) is construed as being “a further collection trough”. It is also noted that claim 5 does not preclude a step of bounding partial bundles. Claim 5 does not call for a step of rotating the collection device while the unbound partial bundles in the first collection trough remains unbounded.

As stated in the previous office action, the claims do not require the recited steps to be performed sequentially or in a particular order such that it does not preclude some steps being performed simultaneously. The alphabetical numbering in claim 1 does not indicate these step are being performed in a particular order.

***Response to Arguments***

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4. Applicant's arguments filed 16 September 2002 have been fully considered but they are not persuasive.

In response to applicant's contention that Koehler fails to disclose, or even suggest manufacturing a fiber bundle having a length by placing a number of unbound partial bundles having the same lengths in a collection trough until required thickness of the fiber bundles is obtained as recited in amend claim 1, claim 1 merely requires steps a) to f) being repeated to place the required number of unbound partial bundles in the first collection trough. Claim 1 does not recite such steps being repeated until required thickness of the fiber bundles is obtained.

**Conclusion**

5. This action is made Non-Final.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Choi whose telephone number is 703-306-4523. The examiner can normally be reached on Monday thru Friday between 9am and 5pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

SC  
March 14, 2003

  
Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700